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VICTOR CHAM & ANOR

v.

LOH BEE TUAN

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FEDERAL COURT, KOTA KINABALU
[CIVIL APPLICATION NO: 08-118-2004 (S)]
11 SEPTEMBER 2006

CONSENT ORDER

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THIS NOTICE OF MOTION coming up for hearing on this day moved by Mr. Ronny Cham, Counsel for the Applicants and in the presence of Datin Marina Tiu, Counsel for the Respondent. AND UPON READING the Notice of Motion dated 27th day of

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September 2004, the Affidavit in Support of Cham Wan Hin affirmed on the 23rd day of September 2004, Affidavit in Support of Cham Ngit Shin @ Ronny Cham affirmed on the 23rd day of September 2004, the 2nd Affidavit of Cham Wan Hin affirmed on the 4th day of September 2006 and the Supplementary Affidavit

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of Cham Wan Hin affirmed on the 23rd day of August 2006 all filed herein in support thereof AND UPON HEARING Counsel as aforesaid IT IS HEREBY AGREED BY CONSENT that the Motion be allowed AND IT IS FURTHER ORDERED that the Applicants' appeal against the Court of Appeal's decision presided

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by the Honourable Justices Dato' Haji Abdul Kadir bin Sulaiman, the Honourable Justice Dato' Arifin bin Zakaria and the Honourable Justice Tengku Dato' Baharudin Shah Bin Tengku Mahmud given at Kota Kinabalu Sabah dated 26th August 2004 ("Court of Appeal's Judgment") be allowed AND IT IS ALSO

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ORDERED that all allegations made by the Respondent at the High Court and Court of Appeal against the 1st Applicant of fraudulent misrepresentation and/or conspiracy; and the 2nd Applicant of professional negligence be hereby withdrawn by the respondent AND IT IS ALSO ORDERED that the High Court's

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judgment dated 12th March 2002; and Court of Appeal's Judgment dated 26th August 2004 be hereby set aside AND IT IS ALSO ORDERED that the Applicants shall pay to the Respondent a sum of RM304,000.00 ("Payment"), as full and final settlement of this matter, AND IT IS ALSO ORDERED that the

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parties hereby agree that nothing in this Consent Order shall be taken as an admission by any of the parties hereto with regards

to the issues in this matter. AND IT IS ALSO ORDERED that the Applicants shall have no claim whatsoever on the Respondent in respect of any of this matter herein AND IT IS LASTLY ORDERED that the deposit be refunded to the Applicants.

GIVEN under my hand and the Seal of the Court this 11th day of September, 2006.

*[**Editor's Note:** For the full judgment of the Court of Appeal case, please refer to Victor Cham & Anor v. Loh Bee Tuan [2006] 3 CLJ 770. However kindly take note of corrigendum at p. 771, para F-G where the name of the judge should read as '… Arifin Zakaria JCA …' and **not** as '… Gopal Sri Ram JCA …']*